

Chapter 16.44**REGIONAL PARKS AND RESERVE PARKS DEVELOPMENT FEE****Sections:**

16.44.010	Purpose.
16.44.020	Definitions.
16.44.030	Establishment of fee.
16.44.040	Payment of fee.
16.44.050	Use of fee.
16.44.060	Exemptions.
16.44.070	Fee credits.
16.44.075	Fee credits for land donated adjoining a regional park.
16.44.080	Appeals.
16.44.090	Annual report.

Section 16.44.010 Purpose.

The purpose of this Chapter is to provide for the payment of a development fee to be utilized for the acquisition and development of regional parks and reserve parks, and if necessary, to be utilized for interfund borrowing for local parks. (Ord. 6927 § 1, 2007; Ord. 5843 § 1, 1990)

Section 16.44.020 Definitions.

As used in this chapter the following terms shall have the following meanings:

Building permit for new development means a building permit issued pursuant to chapter 16.08 of the Riverside Municipal Code for a structure or a portion of a structure which is not a replacement for a structure or a portion of a structure which existed on the same site on January 1, 1990.

Initial mobile home setup permit means the first mobile home setup permit to be issued by the Building Division of the Planning Department for a space in a mobile home park. Subsequent mobile home setup permits issued for the same space shall not be subject to the requirements of this chapter. (Ord. 6393 § 47, 1997; Ord. 5843 § 1, 1990)

Section 16.44.030 Establishment of fee.

A development fee for regional parks and reserve parks is hereby established for and assessed against all new development and initial mobile home setups in the amount established by the City Council by resolution. (Ord. 5843 § 1, 1990)

Section 16.44.040 Payment of fee.

The required development fee for regional parks and reserve parks shall be paid prior to the issuance of a building permit for new development or an initial mobile home setup permit. No building permit for new development or initial mobile home setup permit shall be issued until such fee has been paid. (Ord. 5843 § 1, 1990)

Section 16.44.050 Use of fee.

When the development fee for regional parks and reserve parks has been collected, it shall be deposited with other fees for regional parks and reserve parks in a separate capital

facilities account or fund in a manner to avoid any commingling of the fees with other revenues and funds of the City, except for temporary investments. The fees may be expended solely for the purpose for which the fee was collected. Any interest income earned by moneys in the capital facilities account or fund shall also be deposited in that account or fund and shall be expended only for the purpose for which the fee was originally collected. (Ord. 5843 § 1, 1990)

Section 16.44.060 Exemptions.

The following types of development shall not be required to pay the development fee for regional parks and reserve parks:

A. Non-residential development which replaces on the same lot previously existing residential or non-residential development, not to exceed the square footage of the previously existing development, within one year from the date of destruction or relocation of the previously existing development.

B. Residential development which replaces on the same lot previously existing non-residential development, within one year from the date of destruction or relocation of the previously existing development.

C. Residential development which replaces on the same lot previously existing residential development, unit for unit, of the same type, within one year from the date of destruction or relocation of the previously existing residential development.

D. Rehabilitation or remodeling of existing residential or non-residential development which does not add new square footage.

E. Single-Family Residential development where the lot size exceeds one acre in size shall only be required to pay this development fee for the first acre.

F. Development by local, state or federal governments for governmental use.

G. Development of golf course open space areas, including driving range, fairways and greens only. All structures, paved parking areas, sales areas and other similar non-open-space areas of the golf course shall be subject to payment of this development fee.

H. Non-residential development of a plant nursery, field crop, orchard, pasture or other such agricultural open space associated use, when such development is consistent with the maintenance of the property as agricultural use as defined in Title 19 of this Code.

I. The construction of an accessory building as defined in Title 19 of this Code, excluding second dwelling units. (Ord. 6927 § 2, 2007; Ord. 5843 § 1, 1990)

Section 16.44.070 Fee credits.

A developer may apply for a reduction in the amount of the development fees required by this chapter in exchange for a donation of land to the City of Riverside which land is situated in a planned regional park or reserve park as shown in the City of Riverside general plan. The developer's application shall include an appraisal of the value of the land and shall be submitted to the Park and Recreation Director. The Park and Recreation Director shall confer with the Planning Director and the Real Property Services Manager and shall prepare a report with recommendations for the City Council regarding the proposed credit. The City Council may approve or deny the proposed credit or may approve the credit for a lesser amount than requested. The credit shall not exceed the amount of development fees required to be paid by the applicant. This section is not applicable to land donations made to the City or to commitments made to donate land to the City which donations or commitments were made prior to the effective date of this chapter or prior to City Council approval of a credit pursuant to this section. (Ord. 5843 § 1, 1990)

Section 16.44.075 Fee credits for land donated adjoining a regional park.

Fee credits for the development fees required under this Chapter for a specified residential development area may be approved by the City Council upon its determination, by resolution, that the applicant for the fee credits for such specified residential development area has caused land adjoining an existing regional park to be committed for use as public open park space held by a public entity or has caused land to be donated to the City of Riverside and to be incorporated into the adjoining regional park. Said resolution shall designate the residential development area to which fee credits shall be issued and shall establish the dollar amount of such credits based upon an appraisal of the value of the land and evaluation of the proposed donation and its value by the City's Park and Recreation Director and the Real Property Services Manager, who shall prepare a report to the City Council with recommendations regarding the proposed fee credits. The City council may approve or deny the proposed fee credits or may approve the fee credit for a lesser amount than requested. The credit shall not exceed the amount of regional park development fees required to be paid for the designated residential development area. At the time of adoption of the resolution approving the fee credit, the City Council shall initiate any necessary zoning change to place the subject land in the Official "O" Park Zone. (Ord. 6647 §1, 2003)

Section 16.44.080 Appeals.

Any person aggrieved by the computation of fees pursuant to this chapter shall have the right to appeal to the Planning Commission. The appeal shall be taken not later than thirty days from the date the person is informed of the computation of fees. Failure to appeal within the thirty-day period shall be deemed a waiver of all rights of appeal under this chapter. The decision of the Planning Commission shall be transmitted to the City Council for ratification, modification or denial. (Ord. 6462 § 17, 1999; Ord. 5843 § 1, 1990)

Section 16.44.090 Annual report.

Within sixty days of the close of each fiscal year, the Park and Recreation Director and the Finance Director shall make a report to the City Council which shall include the beginning and ending balance for the fiscal year, the fee, interest and other income, the amount of expenditure by facility and the amount of any refunds made during the fiscal year. This report shall be made available to the public and shall be reviewed by the City Council at its next regularly scheduled public meeting not less than fifteen days after the report is released. (Ord. 5843 § 1, 1990)